

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DONNA L. FELL-BOURELLE,

Plaintiff,

:

Case No. 3:09-cv-69

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

FREMONT INVESTMENT & LOAN, et al.,

Defendants.

REPORT AND RECOMMENDATIONS

This case was filed February 23, 2009. Under Fed. R. Civ. P. 4(m), a case must be dismissed if service of process is not completed within 120 days of filing; that date in this case is June 23, 2009. The Court issued notice to plaintiff on April 13, 2009, Doc. #5, that unless she provided proof of service by June 23, 2009, her case would be dismissed for lack of service of process. As of June 23, 2009, plaintiff has not obtained service or filed proof of service on defendants Wells Fargo Bank, N.A., National Mortgage Funding and Amanda Harrison.

It is accordingly recommended that the case against defendants Wells Fargo Bank, N.A., National Mortgage Funding, and Amanda Harrison be dismissed without prejudice for want of prosecution.
June 26, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is automatically extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(B), (C), or (D) and may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir., 1981); *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).